

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

583T0374

HOUSE BILL NO. 1060

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to permit a probationer who is a registered sex offender to
2 reside in an assigned halfway house or supervised living center within a community safety
3 zone.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 22-24B-23 be amended to read as follows:

6 22-24B-23. No person who is required to register as a sex offender pursuant to this chapter
7 may establish a residence or reside within a community safety zone unless:

8 (1) The person is incarcerated in a jail or prison or other correctional placement which
9 is located within a community safety zone;

10 (2) The person is on parole or probation and has been assigned to a halfway house or
11 supervised living center within a community safety zone;

12 (3) The person is homeless and has been admitted to a community homeless shelter
13 within a community safety zone by an appropriate community official;

14 (4) The person is placed in a health care facility licensed pursuant to chapter 34-12, or
15 certified under Title XVIII or XIX of the Social Security Act as amended to



1 December 31, 2001, or receiving services from a community service provider
2 accredited or certified by the Department of Human Services or the Department of
3 Social Services, which is located within a community safety zone;

4 (5) The person was under age eighteen at the time of the offense and the offender was
5 not tried and convicted of the offense as an adult;

6 (6) The person established the residence prior to July 1, 2006;

7 (7) The school, public park, public pool, or public playground was built or established
8 subsequent to the person's establishing residence at the location; or

9 (8) The circuit court has entered an order pursuant to § 22-24B-28 exempting the
10 offender from the provisions of §§ 22-24B-22 to 22-24B-28, inclusive.

11 A violation of this section is a Class 6 felony. Any subsequent violation is a Class 5 felony.